

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

-----X
DANIEL MILLER, ROHIT GULATI,
SCOTT POWER, RAMEL WILLIAMS,
and all current and former
Federal Inmates confined in the
Nassau County Correctional Center
who are similarly situated,

★ NOV 20 2012 ★

LONG ISLAND OFFICE

Plaintiffs,

-against-

ORDER
12-CV-4164 (JS) (WDW)

COUNTY OF NASSAU, MICHAEL J.
SPOSATO, Sheriff of Nassau
County, and CHARLES DUNNE,
United States Marshal,
Eastern District of New York,

Defendants.

-----X
APPEARANCES

For Plaintiff: Daniel Miller, 12003565, pro se
Rohit Gulati, 11006292, pro se
Scott Power, 12006351, pro se
Ramel Williams, 11006066, pro se
Nassau County Correctional Center
100 Carman Ave.
East Meadow, NY 11554

For Defendants: No Appearances

SEYBERT, District Judge:

Incarcerated pro se plaintiffs Daniel Miller ("Miller"),
Rohit Gulati ("Gulati"), Scott Power ("Power"), and Ramel Williams
("Williams") filed an in forma pauperis Complaint on August 20,
2012, together with applications to proceed in forma pauperis for
each Plaintiff. By Order dated October 3, 2012, the Court granted
the in forma pauperis applications of Gulati, Power, and Williams
and denied the application of Miller pursuant to the "three
strikes" provision of 28 U.S.C. § 1915(g). Miller was directed to

pay his pro rata share of the \$350.00 filing fee within fourteen (14) days of the date of the September 21, 2012 Order and was warned that failure to do so would lead to dismissal of the Complaint. (See Order, dated September 21, 2012, Seybert, D.J.) To date, Miller has not paid the fee nor has he otherwise communicated with the Court with regard to this case. Accordingly, Miller's claims are now DISMISSED without prejudice.

The undersigned also sua sponte dismissed, in part, the Complaint with leave to file an Amended Complaint within fourteen (14) days from the date of the Order and warned that the failure to timely amend the Complaint would lead to the dismissal of those claims without prejudice. To date, an Amended Complaint has not been filed with the Court nor have Gulati, Power, or Williams otherwise communicated with the Court. Accordingly, all of the claims set forth in the Complaint except for those concerning the conditions of confinement at Nassau County Correctional Center are DISMISSED without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

Dated: November 20, 2012
Central Islip, NY

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.